

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-15 and 17-19 are being amended.

Claims 16 is being canceled.

New claims 20 and 21 are being added.

Claims 1-15 and 17-21 are presently pending for consideration.

This amendment amends, cancels and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicants appreciate the indication in the Office Action (mailed August 1, 2003) that claims 16 and 17 contain allowable subject matter. By way of this amendment and reply, new claim 21 has been added, which includes the features of claim 16 as well as claim 16's intervening and base claims. Therefore, claim 21 is believed to be in condition for allowance. Also, claim 17 has been amended to include the features of its base claim and its intervening claims, and thus claim 17 is also believed to be in condition for allowance.

In the Office Action mailed August 1, 2003, the Abstract was objected to because no Abstract was provided, and the specification was objected to because it did not conform to U.S. patent practice. By way of this amendment and reply, an Abstract has been provided, and the specification has been amended to provide proper headings and sections in conformance to U.S. patent practice. Also, the Amended Sheets filed with the Application inadvertently removed text from the top and/or bottom portions of those Amended Sheets. That text has been placed back into the Application, whereby that text is fully supported by the originally-filed Application. No new matter has been added.

In the Office Action, claims 1-19 were objected to because of informalities noted on page 4 of the Office Action. Presently pending claims 1-15 and 17-19 have been amended to place those claims in better form to conform to U.S. Patent practice, and it is believed that all of the presently pending claims are unobjectionable. Please note that the scope of these claims is not believed to have been affected by way of the amendments made in this Amendment and Reply.

In the Office Action, claims 1-4, 13-15, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,425,793 to Mori; and claims 5-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori in view of European reference WO 97/40325. These rejections are traversed for at least the reasons given below.

The Office Action asserts that Mori discloses a worktop 10. However, this assertion is incorrect. The label "10" is Mori designates a chamber unit, as explained in column 2, line 60 of Mori, with a working space arranged below air filters 30 inside the chamber (see column 2, lines 66-67 of Mori). Furthermore, Mori does not disclose or suggest that any product is arranged on his chamber unit.

The Office Action also asserts that Mori discloses a porous wall made of perforated material, as corresponding to label 81 of Mori. However, material 81 of Mori is disclosed with reference to Figure 4 in column 4, line 40 of Mori. There is no teaching or suggestion in Mori that material 81 is porous or perforated.

Still further, the Office Action asserts that Mori's device has at least one end adjoining a wall, whereby there is a gap. It is unclear what the Office Action is referring to with respect to an end, a wall, and a gap in Mori's device, since no such features can be found in Mori by Applicant.

As recited in claim 1, a porous wall made of perforated material extends substantially perpendicularly to an axis of a device so that this end adjoins a first wall, thereby creating an air gap between the end and the first wall. In the gap,

a sterile air leakage is directed outward away from the worktop. These features of claim 1 are not disclosed or suggested by Mori, and if the Examiner maintains the rejection of claim 1, the Examiner is requested to particular point out where these features are shown in Mori.

Still further, please note that Figures 3, 4, 5 and 6 of Mori correspond to different embodiments. Accordingly, they are not disclosed in Mori as being part of a same installation. Therefore, without any teaching or suggestion that any of these embodiments can be combined with other embodiments, such combining is impermissible. As such, the Office Action's referral to Figure 3 and Figure 4 of Mori is improper, without some teaching or suggestion that these two figures can be combined.

Since none of the other cited art of record makes up for the above-mentioned deficiencies of Mori, all of the presently pending claims are believed to be in allowable form.

New independent claim 20 has been added, and it includes the "allowable" features described in numbered paragraph 10 on page 7 of the Office Action; thus, claim 20 is believed to be in condition for allowance.

Accordingly, since there are no other objections or rejections raised in the Office Action, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing,

the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

October 31, 2003
Date

Phillip J. Articola
Phillip J. Articola
Registration No. 38,819

FOLEY & LARDNER
Customer Number: 22428



22428
PATENT TRADEMARK OFFICE
Telephone: (202) 672-5535
Facsimile: (202) 672-5399